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PART-I B

Notifications by Commissioners and Deputy Commissioners

DEPUTY COMMISSIONER, NUH

Order

The 10th April, 2024

No. 3000-06/LFA.—

1. The General Election of Municipal Committee, Punhana was held on 19-06-2022 and the result of the elected candidates was declared on 22-06-2022.
2. The Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election Incurred or authorized by him or by his election agent from the date of filing or nomination papers to the date of declaration of the result there of, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.
3. The Section 13F of the Haryana Municipal Act, 1973 further provides that if the State Election Commission is satisfied that a person has filed to lodge an account of election expenses within the time and manner, as prescribed by the State Election Commission and has no reason or justification therefore, the State Election Commission shall by order published in the Official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

Sr. No.	Name of Candidate	Consisting For President/Member	Ward No.
1.	Mohd Shahruk	President	President
2.	Irfana	Member	03
3.	Sanam	Member	03
4.	Illyash	Member	04
5.	Jamshed	Member	04
6.	Meena	Member	07
7.	Moshmi Saini	Member	07
8.	Gaurav	Member	09
09.	Vipin Kumar	Member	09
10.	Dinesh	Member	10
11.	Jitender	Member	11
12.	Abrar	Member	12
13.	Javed	Member	12
14.	Mohd Aamir	Member	12

15.	Raj Raní, Raj Bala	Member	13
16.	Aakib	Member	15
17.	Mohd Asraf	Member	15

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* Its notification No. SEC/3ME/2022/549, dated 21-03-2022 in exercise of powers vested under clause (1) Article 243ZA of the Constitution OF India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973 had prescribed the limit of expenditure that may be incurred by the contesting candidate or his authorized agent in connection with election of **Municipal Committee, Punhana** and account of election expenses shall be filled/lodges with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. The State Election Commission, Haryana in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973 authorized Deputy Commissioner Concerned, *vide* order No. SEC/3ME/2023/304-446 dated 07-03-2023 to decide the case of disqualification of the candidates of the said municipality, who failed to lodge their account of election expenses.

6. As reported by Dy. Excise & Taxation Commissioner-cum-Election observer (Expenditure) Nuh *vide* memo no. 3039 dated 26-07-2022, the following candidates had contested the election of **Municipal Committee, Punhana** held on 19-06-2022 but failed to submit their election expenditure account:-

7. This office had served Show Cause notice for date of hearing 06-03-2024 and telephonic message for hearing 11-03-2024 & notice for date of hearing 18-03-2024 them to explain as to why they should not be disqualified on account of non submission of their election expenditure account within the period. Candidate at serial no. **04, 05 and 14** submitted their election expenditure account on personal hearing held on dated 06-03- 2024, but with the election expenditure register they had not produce any receipt/document their expenditure and also the same was not signed by election observer (Expenditure) Nuh. I, had given an opportunity of personal hearing on 18-03-2024 all above mention Candidates in the office of Deputy Commissioner Mini Secretariat Nuh in the interest of natural justice to produce their election expenditure account along with receipt/document their expenditure duly signed by election observer (Expenditure) Nuh. **Secretary Municipal Committee, Punhana** had submitted a copy of letter no. 410/MCP dated **05-03-2024** and letter no. 486/MCP dated **19-03-2024** *vide* which the notice of personal hearing were delivered to the said candidates.

8. The above mentioned Candidates Serial No. 04, 05 and 14 appear before me on dated 06-03-2024 and they submitted that they are submitting their expenditure register/statement but they have not produce any receipt or documents which are not duly signed by election observer (Expenditure) Nuh, but candidates at serial no. **01 to 03, 06 to 13 and 15 to 17** neither appear before me nor filed any representation.

9. Since the above persons/candidates at S. No. 4,5 & 14 failed to produce any receipts or documents qua expenditure as mandated by the provisions of Haryana Municipal Act, 1973 and rules contained therein, their candidature merits disqualification and accordingly they stand disqualified under section 13F of the Haryana Municipal Act, 1973 for being chosen as and for being a member of Municipality for a period of five years from the date of this order.

10. The Candidates at serial no. **01 to 03, 06 to 13 and 15 to 17** neither appeared before me nor filed any representation, it can be concluded that they have nothing to put forth or have no documentary proof to substantiate that why they should not be disqualified for not furnishing details of expenditure incurred during elections. Accordingly they also stand disqualified under section 13F of the Haryana Municipal Act, 1973 for being chosen as and for being a member of Municipality for a period of five years from the date of this order.

11. The office is directed to send a copy of this order to the candidates concerned through **Secretary Municipal Committee, Punhana** immediately.

DHIRENDRA KHADGATA,
Deputy Commissioner, Nuh.